



**Minutes for Meeting of
Thursday, September 11, 2003**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:05 p.m. Chairwoman Smith called for a moment of silence to remember and in honor of those who were tragically lost on September 11, 2001.

Item-2: Swearing-in of New Commissioner.

Deputy Director Salem Hasenin, City Clerk's Office, administered the oath of office to Edward F. Kolker. Chairwoman Smith welcomed Mr. Kolker as a member of the Ethics Commission.

Item-3: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Charles H. Dick, Jr., Edward F. Kolker, Dorothy Leonard, Karen Thomas-Stefano, and Gregory Vega.

Staff – Executive Director Charlie Walker, Deputy City Attorney Rick Duvernay, Legal Assistant Steve Ross, Investigator Stacey Fulhorst, Executive Secretary Janet MacFarlane.

Excused – Vice Chairwoman April Riel

Item-4: Reporting Results of Closed Session

Chairwoman reported the results of the Closed Session Meeting of August 28, 2003, as follows:

Item 1: Conference with Legal Counsel

Case No. 2003-29

Motion: Initiate Formal Investigation

Vote: Unanimous

Abstained: Dick

Item 2: Conference with Legal Counsel (4 matters)

Case No. 2002-43

No action taken. Continued.

Case No. 2003-06

Motion: Dismiss

Vote: Unanimous

Case No. 2003-10

Motion: Dismiss.

Vote: Unanimous

Case No. 2003-20

Motion: Dismiss

Vote: Unanimous

Item-5: Approval of Commission Minutes.

APPROVAL OF COMMISSION MINUTES OF THE MEETING OF AUGUST 28, 2003.

Motion/Second: Leonard/Thomas

Vote: Unanimous

Excused: Vice Chairwoman Riel

Item-6: Non-Agenda Public Comment.

Mel Shapiro commented on how the Ethics Commission would treat complaints against any of those that had been indicted.

Item-7: Commissioner Comment.

Chairwoman Smith acknowledged two former Ethics Commissioners, Charles La Bella and the Honorable Lisa Foster. On behalf of the Ethics Commission, Chairwoman Smith presented Mr. La Bella and Ms. Foster plaques acknowledging their service and dedication as members of the Ethics Commission. Charles Dick stated he was pleased and excited at the appointment of Mr. Kolker. He explained he has known and followed Mr. Kolker's career over the years, stating he would be a valuable asset to the Commission.

Edward Kolker stated he had an interest in the work of the Commission and hoped his experience as a mediator, dealing with conflict resolution would prove an asset to the Commission.

Greg Vega reported that the Lobbying Subcommittee held its first meeting on September 4, 2003. He explained the Subcommittee would be comparing San Diego's current ordinance with that of Los Angeles and San Francisco. He stated the next meeting was scheduled for October 10, 2003.

Dorothy Leonard stated as a member of the Mission Trails Task Force, she had just received the Ethics Commission training video and cover letter dated July 16, 2003. She expressed concern about members of Board and Commissions receiving the material in a timely manner.

Item-8: Executive Director Comment.

Executive Director Charlie Walker stated as a follow-up to Commissioner Leonard's comments, of the approximate 350 training videos that had been distributed to the members of the City's various boards and commissions, 117 certifications of ethics training had been received from members of the boards or commissions. He explained the videos had been provided to the staff liaisons assigned to the board or commission for distribution to its members. He said some delay could be anticipated due the frequency of the various board and commission meetings. As a follow-up, staff would be contacting the various liaisons to assure compliance.

Executive Director Walker reported that on September 8, 2003, the City Council approved the amendments to the Audit Manual, which are effective immediately.

Executive Director Walker stated as the Commission was aware, the Council had approved a Finance Investigator position in the Ethics Commission budget. He explained he had been working with the Personnel Department to create job specifications for the position. Mr. Walker indicated the job announcement would be published September 12, 2003, and he hoped to have the position filled within the next few months.

Item-9: Deputy City Attorney Comment.

Deputy City Attorney Rick Duvernay stated there was an oral argument before the U.S. Supreme Court on the McCain/Feingold financing law on soft money. He explained the outcome could have some ramifications on local government including ECCO.

Mr. Duvernay reported that the campaign committee to recall Scott Peters had appealed to the Fourth District Court the decision to uphold the \$250 contribution limit on recall elections.

Mr. Duvernay stated there was a need for him to assume greater responsibilities in the Attorney's Office, including the Rules Committee and City Council. He explained that while he was filling this roll, there would be another attorney assigned in support of the Ethics Commission. He stated he and staff would make sure the transition occurs smoothly.

Chairwoman Smith acknowledged and thanked Mr. Duvernay for the support he and his staff have provided the Commission.

Charlie Walker stated he echoed the sentiments of the Commission, noting the assistance Mr. Duvernay had provided to him since his appointment as Executive Director of the Commission.

Item-10: Adjournment.

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at 5:35 p.m.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.